

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/564,902
Applicants: William Patrick Hems et al.
Filed: June 15, 2006
Title: CATALYSTS
T.C./A.U.: 1626
Examiner: Joseph R. Kosack
Confirmation No.: 3231
Docket No.: JMYS-140US

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

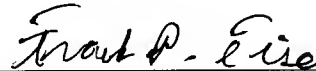
This is in response to the Restriction Requirement stated in the Office Letter dated August 27, 2008.

The Examiner requires that claims of either Group I (claims 1 and 3-18, drawn to catalysts comprising ruthenium, a chiral bis(phosphine) and a compound of Formula I) or Group II (claims 19 and 20, drawn to methods of use of catalysts comprising ruthenium, a chiral bis(phosphine) and a compound of Formula I) be elected for prosecution. Applicants elect to prosecute the claims of Group I (claims 1 and 3-18). This election is made with traverse, because claims 19-20 require use of the inventive catalyst that is described in claim 1.

With respect to the election of species, applicants elect the species of the catalyst of Example 2, i.e. $\text{Ru}[\text{Cl}_2\{(\text{R/S})\text{-Xyl-P-Phos}\}\{(\text{R,R})/(\text{S,S})\text{-DPPN}\}]$. This election is also made with traverse. Applicants respectfully disagree with the assertion, made in the Restriction Requirement, that the species are drawn from a genus that does not have a common static core structure. All of the catalysts of the invention include a chiral diamine of formula (I) as shown on page 1 of the specification. All of these diamines are 1,3- or 1,4-diamines, and as noted on page 1 at lines 25-33, this special technical feature distinguishes them from prior art catalysts using 1,2-diamines.

Claims 1, 3, 5, and 14-16 read on Group I and the catalyst of Example
2.

Respectfully submitted,



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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.